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In re Application of :
Jung, et al. : **OFFICE OF PETITIONS**
Filed: December 19, 2003 : ON PETITION
Application No. 10/739,220 :
Atty. Dkt. No.: 11572.1177 :

This decision is in response to the "PETITION TO THE COMMISSIONER" filed September 10, 2004 in response to the Notice of Incomplete Nonprovisional Application ("Notice") mailed July 27, 2004 to accord the above-identified application a filing date of December 19, 2003.

The application was filed December 19, 2003. The Notice indicated that the application had not been accorded a filing date because the application was deposited without drawings as required under 35 USC 113, first sentence.

In response, the present petition was filed wherein petitioners argue that the application as deposited included 10 sheets of drawings. Petitioners have included as proof of mailing and proof of receipt of the 10 sheets of drawings a return postcard date stamped by the Office on December 19, 2003. A copy of the 10 sheets of drawings purportedly filed with the application on December 19, 2003 was also supplied.

The original drawings sheets submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of December 19, 2003 is GRANTED.

Since the original drawing sheets cannot be located in the Office, the copies supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of \$130.00 has been requested from the Finance Office, Refund Section. The refund will be credited to Deposit Account No. 19-3935.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 19, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a stylized, cursive script.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions